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LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 35 LGN 78

Bangalore, dated 7th August 1978

Ordered that the **Karnataka** Village Offices **Abolition** (**Amendment**) **Act, 1978** which received the assent of the President on the Seventh day of August 1978, be published as Karnataka Act No. 13 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 13 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Seventh day of August 1978)*

THE KARNATAKA VILLAGE OFFICES ABOLITION (AMENDMENT) ACT, 1978.

(Received the assent of the President on the Seventh day of August 1978)

An Act further to amend the Karnataka Village Offices Abolition Act, 1961.

WHEREAS it is expedient further to amend the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961) for the purposes hereinafter appearing ;

BE it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka Village Offices Abolition (Amendment) Act, 1978.

(2) This section, section 2, section 3 and section 7A in section 4 shall come into force at once and the other provisions shall be deemed to have come into force on the twenty-fourth day of December, 1975.

2. Amendment of section 3.— In section 3 of the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961), (hereinafter referred to as the principal Act), in sub-section (2), at the end, the following shall be added, namely :—

" The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963) shall be applicable to such appeal. "

3. Amendment of section 5. —In section 5 of the principal Act,—

(1) in sub-section (3), for the words "without the previous sanction of the Deputy Commissioner and such sanction shall be granted only on payment of an amount equal to fifteen times the amount of full assessment of the land" the words, brackets and figures "for a period of fifteen

years from the date of commencement of section 1 of the Karnataka Village Offices Abolition (Amendment) Act, 1978" shall be substituted ;

(2) after sub-section (3), the following sub-sections shall be and shall be deemed always to have been inserted namely :—

"(4) Any transfer of land in contravention of sub-section (3) shall be null and void and the land so transferred shall, as penalty, be forfeited to and vest in the State Government free from all encumbrances and any person in possession thereof shall be summarily evicted therefrom by the Deputy Commissioner and the land shall be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands :

Provided that if the person who has transferred the land in contravention of sub-section (3) is not alive, while disposing of such land preference shall be given to the heirs of such person.

Explanation :—For removal of doubts it is hereby declared that in sub-section (3), and in this sub-section transfer includes creation of a lease.

(5) Nothing in sub-section (3) shall apply to transfer in favour of the State Government, a co-operative society and a bank as security for loans granted for improvements of such land or for buying cattle or agricultural implements for the cultivation of such land.

Explanation.—'bank' means,—

(i) a banking company as defined in the Banking Regulation Act, 1949 (Central Act 10 of 1949) ;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955) ;

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959) ;

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) ;

(v) a regional rural bank constituted under the Regional Rural Banks Act, 1976 (Central Act 21 of 1976) ;

(vi) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963) ;

(vii) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956 (Central Act 1 of 1956).

(6) Notwithstanding anything contained in any law for the time being in force, any agreement for transfer of land resumed under clause (3) of section 4, entered into prior to regrant thereof under sub-section (1), shall be null and void and any person in possession thereof in furtherance of such agreement shall be summarily evicted therefrom by the Deputy Commissioner."

4. **Substitution of new sections for section 7**.—For section 7 of the principal Act, the following sections shall be substituted, namely :—

"**7. Eviction of unauthorised holders etc.** :—(1) Where any land resumed under clause (3) of section 4 is in the possession of an unauthorised holder such unauthorised holder shall be summarily evicted therefrom and the land shall be taken possession of by the Deputy Commissioner in accordance with law :

Provided that no such summary eviction shall be made except after giving the person affected a reasonable opportunity of making representation.

(2) Any order of eviction passed under sub-section (1) shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceeding taken or about to be taken by the Deputy Commissioner in pursuance of the power conferred by sub-section (1).

(3) The land from which an unauthorised holder is evicted under sub-section (1) shall,—

(a) if it was granted or continued in respect of or annexed to an inferior village office be regranted to the holder of such village office ; and

(b) in other cases be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands.

7A. Restriction on transfer etc.—(1) No person shall transfer or acquire by transfer for a period of fifteen years from the date of commencement of this section any land disposed or regranted under sub-section (4) of section 5 or sub-section (3) of section 7 and any transfer of such land in contravention thereof shall be null and void. The land so transferred shall vest in the State Government free from all encumbrances. The provisions of sub-section (5) of section 5 shall *mutatis mutandis* apply to transfer of such land.

(2) Any person who acquires by transfer such land in contravention of sub-section (1) shall on conviction be punished with imprisonment which may extend to six months".

5. Savings.—All pending applications and proceedings relating to regrant of land to unauthorised holders under the proviso to sub-section (1) of section 7 of the principal Act as it stood prior to the commencement of this Act shall not have effect and shall abate.

6. Repeal of Karnataka Ordinance No. 7 of 1978:—(1) The Karnataka Village Offices Abolition (Amendment) Ordinance, 1978 (Karnataka Ordinance No. 7 of 1978) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the princi al Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

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